

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
In re:	:
	:
AMERICAN LAFRANCE, LLC,	:
	:
Debtor.	:
	:
-----X	X
FREIGHTLINER LLC,	:
	:
Plaintiff,	:
	:
- against -	:
	:
AMERICAN LAFRANCE, LLC,	:
	:
Defendant.	:
-----X	X

Chapter 11
Case No. 08-10178
(Bankr. D. Del.)

Case No. 08-cv-05625 (BSJ) (DFE)

**NOTICE OF MOTION OF PLAINTIFF FREIGHTLINER LLC, PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027, TO REMAND, OR, IN THE
ALTERNATIVE, PURSUANT TO 28 U.S.C. § 1334, TO ABSTAIN AND REMAND**

PLEASE TAKE NOTICE that, upon the attached Declaration of Jordan I.

Brackett, dated July 21, 2008, and the exhibits thereto, the accompanying Memorandum of Law,
and all prior pleadings and proceedings in this action, plaintiff Freightliner LLC

("Freightliner"),¹ hereby moves this Court (the "Motion"), pursuant to Federal Rule of

Bankruptcy Procedure 9027, to remand the case removed to this Court – *Freightliner LLC v.*

American LaFrance, LLC, New York Supreme Court, New York County (Index No. 604037/07)

(the "New York Action") – to New York Supreme Court, New York County or, in the

¹ Freightliner LLC is now known as Daimler Trucks North America LLC.

alternative, pursuant to 28 U.S.C. § 1334, to abstain from hearing and remand the New York Action.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), all papers in opposition to the Motion shall be served on or before August 7, 2008, and all reply papers shall be served on or before August 14, 2008.

Dated: New York, New York
July 21, 2008

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